

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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ALLEN DEWAYNE BATES, PRO SE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	2:10-CV-0245
	§	
MARSHALL PENNINGTON and	§	
THOMAS HIGHTOWER,	§	
	§	
Defendants.	§	

**MEMORANDUM OPINION AND ORDER OF DISMISSAL**

Plaintiff ALLEN DEWAYNE BATES, proceeding pro se, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants and asking to proceed in forma pauperis.

Upon the filing of plaintiff's complaint, the Court set a hearing to consider his motion to proceed in forma pauperis. Plaintiff's failure to appear or notify the Court of any inability to appear at that hearing triggered issuance of a Report and Recommendation that this cause be dismissed. Plaintiff then filed a motion for rehearing, which the Court construed as plaintiff's objections and as a motion for another hearing and denied the motion without prejudice due to the deficiencies explained in the Order. When plaintiff made no curative pleading, the Court issued a January 7, 2011 Order to Show Cause why this case should not be dismissed for failure to prosecute. Plaintiff responded by filing a motion for extension for an unspecified amount of time which was denied. The time for response to the Show Cause order has expired.

Plaintiff has failed to pay the filing fee in this cause and he has failed to respond to the Court's show cause order.

It is the conclusion of the United States District Judge that Plaintiff has abandoned his cause and such cause should be dismissed for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses inherent power to dismiss sua sponte for lack of prosecution). Further, plaintiff has failed to pay the filing fee.

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.


This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE and FOR FAILURE TO PAY THE FILING FEE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED

ENTERED this 7<sup>th</sup> day of February, 2011.

  
MARY LOU ROBINSON  
UNITED STATES DISTRICT JUDGE